

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROOCHI TRADERS INCORPORATED,

*Plaintiff,*

-against-

TIP TOP TEES INC., GLAMOUR LINE INC.,  
GLAMOUR (USA), INC., ALPHA  
MERCHANDISING CORP., ROSE DEAL,  
INC., HARYASH PAUL, MOHAMMED  
RAHMAN, MOHAMMED FAROQUE, JOHN  
DOES 1-10, JANE DOES 1-10, and XYZ  
COMPANIES 1-10,

*Defendants.*

CIVIL ACTION NO. 08-cv-3544 (WHP)

**DECLARATION OF SAJID ALI**

I, Sajid Ali, hereby declare as follows:

1. I am the Vice President of East Coast Operations for Roochi Traders Incorporated ("Roochi"). Roochi is a California corporation having its principal place of business at 6393 East Washington Boulevard, City of Commerce, California 90040. I have been employed by Roochi for the last ten years.

2. I submit this declaration in support of Plaintiff's Reply Memorandum of Law in further support of Plaintiff's Motion for an Order to Show Cause for a Preliminary Injunction. The facts stated herein are based on my personal knowledge, review of company records, and/or facts told to me that I believe to be true. If called to testify regarding same, I could do so competently.

3. As I have previously stated, the purchase order (No. 1927) corresponds to an order Roochi cancelled in April of 2007, over a year ago and Factory 8 had been terminated in July 2007.

4. Attached as Exhibit 1 is a true and correct copy of a spreadsheet evidencing that as of May 5, 2007, purchase order (No. 1927) was cancelled.

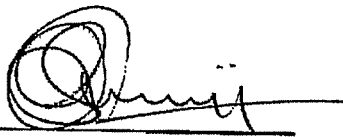
5. Attached as Exhibit 2 are true and correct copies of e-mail correspondence dated July 5, 2007 between Neeraj "Mickey" Sachdeva, Vice-President of Roochi, and Eric Wang, a representative of AS Apparel Solutions, then Roochi's exclusive Bangladesh buying agent responsible for placing orders with factories. The July 5, 2007 e-mails confirm that Roochi cancelled the purchase order (No. 1927) and AS Apparel Solutions provided written confirmation to Roochi that the order was, in fact, cancelled.

6. We stand by our belief that the t-shirts distributed by the Paul-Defendants into the marketplace are not genuine COTTON HERITAGE goods based on the following facts: (i) the decline in Roochi's business for COTTON HERITAGE branded t-shirts due to a flood in the market of t-shirts being sold by the Paul-Defendants; (ii) Roochi has no unaccounted for merchandise and no record of selling to Rose Deal, the name on the side of the boxes containing the Counterfeit Products seized from the Paul-Defendants; (iii) information obtained by me through customers regarding statements made by Mr. Paul that he was underselling Roochi with Counterfeit Products, further supported by the April 28, 2008 Declaration of Mr. Paul ¶ 6; (iv) purchase order No. 1927 (as reflected on the label of the Counterfeit Products) had been cancelled over a year ago; (v) to our knowledge no t-shirts were manufactured or authorized to be manufactured under purchase order No. 1927; (vi) if COTTON HERITAGE t-shirts were

manufactured under purchase order No. 1927 they are unauthorized goods; (vii) Roochi, the owner of the COTTON HERITAGE trademark, did not inspect the Counterfeit Products prior to their release into the stream of commerce; (viii) Roochi did not authorize the use of the COTTON HERITAGE mark on the Counterfeit Products; (ix) Roochi has not authorized the manufacture of any of its goods at Factory 8 for almost 9 months; (x) Roochi is the only entity authorized to manufacture and import COTTON HERITAGE t-shirts into the United States, a fact widely known in the industry and to the Paul-Defendants, a former customer of Roochi; and (xi) the Counterfeit Products do not appear to be manufactured over a year ago.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed on this 2nd day of May.

  
Sajid Ali

# EXHIBIT 1

ROOCHI TRADERS INC.

PURCHASE ORDER #77

User PO 1927

Roochi Traders

## PURCHASED FROM

AS- APPAREL  
HOUSE#208 ROAD#14 SECT  
DHAKA,UTTARA  
BANGLADESH

## SHIP TO

Roochi/New York  
1000 Main Avenue  
Clifton, NJ

## DOCUMENTATION

Status:  
LC Number:  
Bill of Lading:  
Country of Origin: Bangladesh  
Port Of Destination: NEW YORK, NY  
Vessel Name:  
Ship Mode: Boat Bangladesh  
Terms: L/C @ Sight

## DATES

PO Issued: 12/11/06  
Ex Factory: 05/05/07  
Cancel: 05/05/07

## OTHER

PO Type: FB=FOB

Style	Cul/Lab	Color	Bulk Po#	Sizes & Qty's										Units	Price	Amount	
M1010118R	R/C THERBLK	BLK		XS	S	M	L	XL	2XL	3XL	4XL	5XL	6XL				
MEN CREW NECK T 185GSM NY				0	0	0	0	0	14400	0	0	0	0		14400	1.020	14688.000
ANNUAL 2007																	
Color- BLACK																	
M1010118R	R/C THERBLK	BLK		XS	S	M	L	XL	2XL	3XL	4XL	5XL	6XL				
MEN CREW NECK T 185GSM NY				0	0	0	0	0	0	14400	0	0	0		14400	1.090	15696.000
ANNUAL 2007																	
Color- BLACK																	
M1010118R	R/C THERBLK	BLK		XS	S	M	L	XL	2XL	3XL	4XL	5XL	6XL				
MEN CREW NECK T 185GSM NY				0	0	0	0	0	0	0	14400	0	0		14400	1.150	16560.000
ANNUAL 2007																	
Color- BLACK																	
M1010118R	R/C THERBLK	BLK		XS	S	M	L	XL	2XL	3XL	4XL	5XL	6XL				
MEN CREW NECK T 185GSM NY				0	0	0	0	0	0	0	0	7200	0		7200	1.220	8784.000
ANNUAL 2007																	
Color- BLACK																	
M1010118R	R/C THERBLK	BLK		XS	S	M	L	XL	2XL	3XL	4XL	5XL	6XL				
MEN CREW NECK T 185GSM NY				0	0	0	0	0	0	0	0	0	7200		7200	1.300	9360.000
ANNUAL 2007																	
Color- BLACK																	

User:

PURCHASED FROM		SHIP TO		DOCUMENTATION		DATES	
<b>ROOCHI TRADERS INC.</b> AS- APPAREL HOUSE#20B ROAD#14 SECT DHAKA,UTTARA BANGLADESH		Roochi/New York 1000 Main Avenue Clifton, NJ		Status: LC Number: Bill of Lading: Country of Origin: Bangladesh Port Of Destination: NEW YORK, NY Vessel Name: Ship Mode: Terms:		PO Issued: 12/11/06 Ex Factory: 05/05/07 Cancel: 05/05/07 <b>OTHER</b> PO Type: FB=FOB	
Style	Cut/Lab	Color	Bulk Po#	Sizes & Qty's	Units	Price	Amount
<b>Comments</b> Men's Oversize T-shirt- 12Pcs/Poly Bag with Warning Print, 6Dzn/ export carton,2:2:2:1:1 ratio with Solid size/color. Cotton Heritage Label.  Penalties: 5 days grace period, 10% discount after 5 days. The days will have to be accepted on DA basis only, 15 days after shipment date. Must ship complete PO.If PO is split, there will be \$ 500.00 fee.							
Total Units					57600	Amt	65088.000

\_\_\_\_\_  
 Authorized Signature

\_\_\_\_\_  
 Date

User:

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# **EXHIBIT 2**

**Rupp, Mimi**

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**From:** SAJID ALI [sali@roochi.com]  
**Sent:** Friday, May 02, 2008 9:31 AM  
**To:** Rupp, Mimi  
**Subject:** FW: updated information on 1590.

-----Original Message-----

**From:** Mickey Sachdeva [mailto:msachdeva@roochi.com]  
**Sent:** Tuesday, April 29, 2008 12:23 PM  
**To:** sali@roochi.com  
**Subject:** FW: updated information on 1590.

FYI Kindly see below correspondence.

*Mickey Sachdeva  
Roochi Traders, Inc.  
6393 E. Washington Boulevard.  
City of Commerce, CA 90040  
U. S. A.  
Tel: 1-323-722-5592  
Fax: 1-323-724-0045*

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**From:** Eric Wang [mailto:eric@as-apparelsolutions.com]  
**Sent:** Thursday, July 05, 2007 10:06 AM  
**To:** msachdeva@roochi.com  
**Cc:** janand@roochi.com; anurag@as-apparelsolutions.com  
**Subject:** Re: updated information on 1590.

Dear Mickey,

Pls find below in Red.

Thanks

Best Regards

Eric Wang  
Apparel Solutions  
Mobil:+880-191-2323998

On Jul 5, 2007, at 7:45 AM, Mickey Sachdeva wrote:

5/2/2008



Dear Eric:

From 1590FL:

Delete 173/1939 kindly cancel this PO and only follow the bottom schedule that we created last.

Noted this po been cancelled.

From 1590NY:

Ref. 390 please note that the order is for two containers and cannot be shipped at one go. There will not be any split shipment charges.

Noted this and will revert back to u after discuss with anurag.

Ref. 1927/368 note that you kindly cancel this PO and follow the bottom schedule that we created last.

Noted these two POs been cancelled.

From 1590LA

Advise when you can ship these goods.

PO306 will be shipped on 15th July as your schedule.

*Mickey Sachdeva  
Roochi Traders, Inc.  
6393 E. Washington Boulevard.  
City of Commerce, CA 90040  
U. S. A.  
Tel: 1-323-722-5592  
Fax: 1-323-724-0045*

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**From:** Eric Wang [<mailto:eric@as-apparelsolutions.com>]

**Sent:** Wednesday, July 04, 2007 6:28 AM

**To:** [janand@roochi.com](mailto:janand@roochi.com)

**Cc:** Mickey Sachdeva; Anurag

**Subject:** updated information on 1590.

5/2/2008

**CERTIFICATE OF SERVICE**

I, Phillip K. Lum, do hereby certify that I caused a true and correct copy of Declaration of Sajid Ali to be served on Defendants as follows:

**BY ECF, HAND AND FACSIMILE**

James Montgomery, Esq.  
Jason Baxter, Esq.  
267 Fifth Avenue, Suite 601  
New York, NY 10016  
Fax: 212-889-9818

*Attorney for Defendants Tip Top Tees, Alpha  
Merchandising, Glamour Line, Inc., and  
Haryash Paul*

ROSE DEAL INC  
c/o Ashoky Varshney  
50 W 34th Street #17C8  
New York, New York 10001  
Fax: 646-365-3050

Mohammed Faroque  
ROSE DEAL INC  
c/o Ashoky Varshney  
50 W 34th Street #17C8  
New York, New York 10001  
Fax: 646-365-3050

**BY OVERNIGHT COURIER  
ONLY**

Mohammed Faroque  
34 Giles Ave  
Jersey City NJ 07306-6428

Dated: May 2, 2008

By: s/Phillip K. Lum

Phillip K. Lum